



Kimberly-Clark Corporation

Facsimile

To:	Name Examiner Erez	Company PTO	Fax Number 703-746-7468
Subject:	BA-00117		

From:	William W. Letson	Page:	1 of 4
Dept:	Legal	Date:	8-July-2002
Loc:		Time:	14:21

NOTE:

As follow up to our telephone conversation, please find attached a copy of the Terminal Disclaimer we discussed. Please advise if you have any questions.

Thanks,

A handwritten signature in black ink, appearing to be 'W. Letson'.

This facsimile is for the use of the addressee only and may contain privileged or confidential information that is exempt from disclosure under law. If you are not the addressee or responsible for delivering it to him or her, please know that dissemination, distribution, or copying of this facsimile is prohibited. If you have received this in error, please telephone us promptly and destroy the original.

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DA
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In the United States Patent and Trademark Office

Applicants:	Chet M. Crump et al.	Docket No.:	BA-00117
Serial No.:	09/459,522	Group:	3761
Confirmation No:	1246	Examiner:	Darwin P. Erez
Filed:	December 13, 1999	Date:	July 8, 2002

For: Endotracheal Catheter and Manifold Assembly with Improved Valve

Terminal Disclaimer

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

The Present Application

1. Ballard Medical Products, doing business at 12050 Lone Peak Parkway, Draper, Utah 84020, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. Patent Application Serial Number 09/459,522 filed on December 13, 1999, for "Endotracheal Catheter and Manifold Assembly with Improved Valve".
2. Assignment of the inventors' rights in present patent application serial number 09/459,522 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 010643, Frame 0806.

Commonly Assigned Patent

1. Ballard Medical Products is also the assignee of the entire right, title and interest in and to copending U.S. Patent Number 6,227,200 B1 issued on May 8, 2001, for "Respiratory Suction Catheter Apparatus".
2. Assignment of the inventors' rights in U.S. Patent Number 6,227,200 B1 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 010184, Frame 0360.

Right of Assignee to Prosecute

Ballard Medical Products certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Ballard Medical Products' knowledge and belief, title of present U.S. Patent Application Serial Number 09/459,522 is in Ballard Medical Products.

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S/N 09/459,522

Terminal Disclaimer

1. Ballard Medical Products hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. Patent Application Serial Number 09/459,522, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for U.S. Patent Number 6,227,200 B1.
2. Ballard Medical Products hereby agrees that any patent granted upon present U.S. Patent Application Serial Number 09/459,522 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent Number 6,227,200 B1. This agreement shall run with any patent granted upon present U.S. Patent Application Serial Number 09/459,522 and shall be binding upon Ballard Medical Products, its successors and/or assigns.

Exceptions to Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, U.S. Patent Number 6,227,200 B1:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the
expiration of its full statutory term;

Ballard Medical Products specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/459,522 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on U.S. patent 6,227,200 B1.

Fee

Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875. This Terminal Disclaimer is filed in duplicate.

The undersigned is an attorney of record in the present application having U.S. Patent Application Serial No. 09/459,522.

S/N 09/459,522

Respectfully submitted,
KIMBERLY-CLARK WORLDWIDE, INC.
Chet M. Crump et al.

By:


William W. Letson

Reg. No. 42,797

Date: July 8, 2002

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8a)

I, William W. Letson, hereby certify that on July 8, 2002, that this Terminal Disclaimer is being transmitted by facsimile to Examiner Erezzo at fax number (703) 746-7468 in the Patent and Trademark Office.

By:


William W. Letson